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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JEROLD RYLANDS,

Plaintiff,

v.

STATE OF NEVADA, et al.,

Defendants.

Case No. 3:17-cv-00426-MMD-WGC

**ORDER GRANTING
MOTION FOR EXTENSION OF TIME OF
THE 90-DAY STAY PERIOD**

Defendants, by and through counsel Adam Paul Laxalt, Attorney General of the State of Nevada, and Dennis W. Hough, Deputy Attorney General, hereby file their Motion for Extension of 90-Day Stay Period. This motion is based on Fed. R. Civ. P. 6(b)(1), the following memorandum of points and authorities, and all papers and pleadings on file herein.

MEMORANDUM OF POINTS AND AUTHORITIES

I. NATURE OF THE ACTION

This is an inmate civil rights action brought by Plaintiff Jerold Rylands ("Plaintiff"), pursuant to 42 U.S.C. § 1983 and the First and Eighth Amendments to the United States Constitution. Plaintiff is an inmate in the custody of the Nevada Department of Corrections ("NDOC"). The Court has permitted Plaintiff to proceed with two counts against ten Defendants.

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1 **II. DISCUSSION**

2 **A. Fed. R. Civ. P. 6(b)(1) Allows This Court to Extend Deadlines.**

3 District courts have inherent power to control their dockets. *Hamilton Copper & Steel Corp. v.*
4 *Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990); *Oliva v. Sullivan*, 958 F.2d 272, 273 (9th Cir.
5 1992). Fed. R. Civ. P. 6(b)(1) governs enlargements of time and provides as follows:

6 When an act may or must be done within a specified time, the court may,
7 for good cause, extend the time: (A) with or without motion or notice if
8 the court acts, or if a request is made, before the original time or its
extension expires; or (B) on motion made after the time has expired if the
party failed to act because of excusable neglect.

9 “The proper procedure, when additional time for any purpose is needed, is to present to the
10 Court a timely request for an extension before the time fixed has expired (*i.e.*, a request presented
11 before the time then fixed for the purpose in question has expired).” *Canup v. Miss. Valley Barge Line*
12 *Co.*, 31 F.R.D. 282, 283 (D.Pa. 1962). The *Canup* Court explained that “the practicalities of life” (such
13 as an attorney’s “conflicting professional engagements” or personal commitments such as vacations,
14 family activities, illnesses, or death) often necessitate an enlargement of time to comply with a court
15 deadline. *Id.* Extensions of time “usually are granted upon a showing of good cause, if timely made.”
16 *Creedon v. Taubman*, 8 F.R.D. 268, 269 (D.Ohio 1947). The good cause standard considers a party’s
17 diligence in seeking the continuance or extension. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d
18 604, 609 (9th Cir. 1992).

19 **B. Good Cause Exists to Enlarge the Stay**

20 The Inmate Early Mediation Conference has already been rescheduled to Tuesday December 4,
21 2018. ECF 20. The 90-Day Stay Period and Report to the Court should be rescheduled accordingly.

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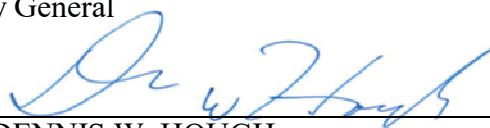
1 **III. CONCLUSION**

2 The Defendants respectfully request that this Honorable Court grant their motion and extend the
3 stay in this matter until December 11, 2018.

4 DATED this 21st day of November, 2018.

5 ADAM PAUL LAXALT
6 Attorney General

7 By:


8 DENNIS W. HOUGH
9 Deputy Attorney General
10 State of Nevada
11 Bureau of Litigation
12 Public Safety Division

Attorneys for Defendants

13 **IT IS SO ORDERED.**

14 **DATED: November 26, 2018.**

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19 UNITED STATES MAGISTRATE JUDGE